

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

STATE OF TENNESSEE, ex rel. PAUL)	
G. SUMMERS, in his official capacity as)	
the Attorney General and Reporter of)	
Tennessee, and BETSY L. CHILD, in her)	
official capacity as the Commissioner of the)	
Tennessee Department of Environment)	
and Conservation,)	
)	
<i>Plaintiffs,</i>)	
v.)	No. 1:04-cv-275
)	<i>Edgar</i>
ESTATE OF PAULINE S. RICH,)	
J. Stephen Rich, Executor)	
)	
<i>Defendant.</i>)	

ORDER

In accordance with the accompanying memorandum, the Court **GRANTS IN PART** and **DENIES IN PART** the Plaintiffs' motion to strike certain defenses [Doc. No. 7]. Specifically, the Court **GRANTS** the Plaintiffs' motion to strike Defenses Two, Three, Seven, Fifteen, Sixteen, Seventeen, Eighteen, Nineteen, and Twenty. The Court **GRANTS** the Plaintiffs' motion to strike that portion of Defense Nine which contends that Plaintiffs' recovery costs "are otherwise not recoverable under [CERCLA] or [HWMA]." The Court **DENIES** the Plaintiffs' motion to strike Defense Twelve. Finally, the Court **GRANTS** the Defendant leave to amend its answer to assert a counterclaim for recoupment.

SO ORDERED.

ENTER:

s/William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE